

DOCKET NO. 91-639-C - ORDER NO. 92-460 ✓

Inc.

§58-9-310 (Supp. 1991).

consider the Petition without a hearing.

No. 89-16-C (July 6, 1989).

After consideration of the Petition, the submitted testimony, and the applicable law, the Commission makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. Elisa Zafrani, Director of Regulatory Affairs of ITI, testified on behalf of Petitioners. She explained that ITI, which has a Certificate of Public Convenience and Necessity to provide long distance resold telecommunications services and operator services in South Carolina<sup>2</sup> and offers telecommunications services in forty other states, seeks to acquire the "0+" operator service authority held by TLI and TNI. Ms. Zafrani explained that TLI, TNI, and their parent company TCI are the subject of Chapter 11 bankruptcy proceedings and that the bankruptcy judge has found that "[t]he need for an immediate sale [of TCI, TLI, and TNI] is compelling." Testimony, p. 13.

2. Ms. Zafrani asserts that, upon acquisition of the "0+" services of TLI and TNI, ITI will continue to charge former TCI and TNI subscribers the same rates as previously charged by TLI and TNI and that the former subscribers will continue to receive uninterrupted, high quality service. Ms. Zafrani requests that, upon approval of the transfer of the "0+" assets, TLI's and TNI's Certificates of Public Convenience and Necessity be cancelled.

3. By letter dated June 2, 1992, ITI agreed (1) it would remit any subscriber surcharge (the maximum of which is \$1.00)

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2. Order No. 88-612 (June 22, 1988) in Docket No. 87-535-C.

collected by ITI to its subscribers; (2) that "[a]ny new contracts for service or any renewals of contracts executed on or after the date of ITI's certification shall provide that ITI's subscribers allow its customers access to their long distance carrier of choice;" and (3) that it "agrees to abide by the provisions of the Telephone Operator Consumer Services Improvement Act of 1990 with respect to its intrastate services."

#### CONCLUSIONS OF LAW

1. The Commission concludes that it is in the public interest to approve the transfer of TLI's and TNI's "0+" assets to ITI in order to prevent the disruption of service to TLI's and TNI's subscribers. Consequently, the Commission hereby approves the requested transfer in accordance with the terms of the Petition, testimony, and June 2, 1992 letter.

2. The Certificates of Public Convenience and Necessity issued to TLI and TNI in Docket Nos. 88-48-C and 89-16-C, respectively, are hereby cancelled.

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3. This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

  
Chairman

ATTEST:

  
Executive Director

(SEAL)